

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF GEORGIA  
MACON DIVISION**

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**SHARON RENE KORNAGAY,**

*Plaintiff,*

**v.**

**SECRETARY OF THE AIR FORCE,**

*Defendant.*

**CIVIL ACTION NO.  
5:19-cv-00317-TES**

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**ORDER**

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Plaintiff Kornegay filed suit against Defendant on August 8, 2019. [Doc. 1]. Rule 4 of the Federal Rules of Civil Procedure requires a plaintiff to serve each defendant with a copy of both the summons and the complaint unless a defendant waives service. *See* Fed. R. Civ. P. 4(c)(1), (d). Federal Rule of Civil Procedure 4(m) requires a plaintiff to serve those copies upon a defendant within 90 days after the filing of the complaint. Thus, Plaintiff's deadline for serving Defendant with a copy of the summons and complaint passed on November 6, 2019. To date, there is no indication that service has been perfected in this case.

On February 11, 2020, the Court ordered Plaintiff to show cause within 21 days why the case should not be dismissed pursuant to Federal Rule of Civil Procedure 4(m). [Doc. 3]. The Court warned Plaintiff that his failure to comply with the Court's Order

would result in the dismissal of Plaintiff's action. [*Id.*, p. 2]. The time for compliance passed with no response from Plaintiff.

Accordingly, because Plaintiff has failed to respond to the show cause order or otherwise prosecute his case, the Court **DISMISSES without prejudice** the Plaintiff's case. *See* Fed. R. Civ. P. 41(b); *Brown v. Tallahassee Police Dep't*, 205 F. App'x 802, 802 (11th Cir. 2006) (per curiam) (first citing Fed. R. Civ. P. 41(b) and then citing *Lopez v. Aransas Cty. Indep. Sch. Dist.*, 570 F.2d 541, 544 (5th Cir. 1978)) ("The court may dismiss an action *sua sponte* under Rule 41(b) for failure to prosecute or failure to obey a court order.").

**SO ORDERED**, this 6th day of March, 2020.

S/ Tilman E. Self, III

**TILMAN E. SELF, III, JUDGE**

**UNITED STATES DISTRICT COURT**